



The Alberta Human Rights Commission's logo symbolizes several important concepts associated with human rights.

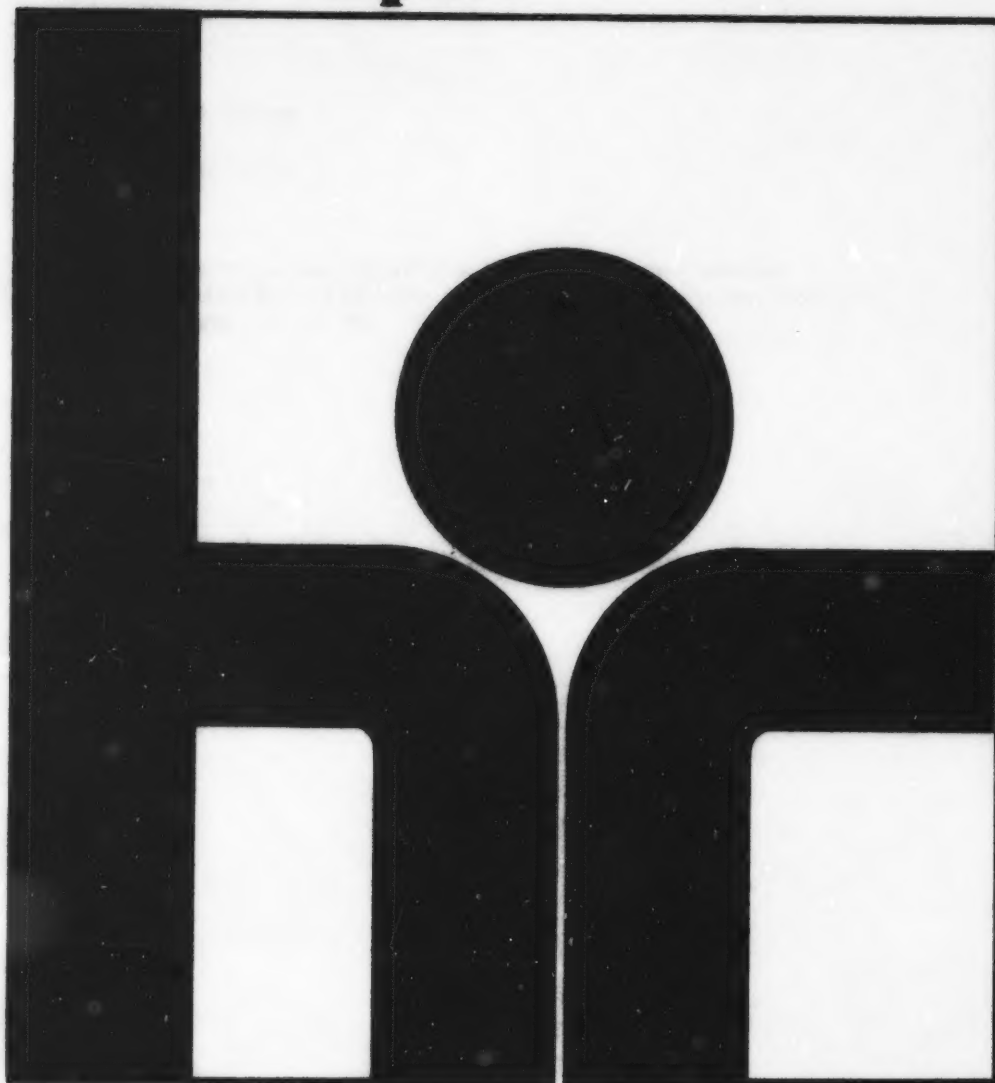
The person with outstretched arms represents friendliness, a warm reception of other people and a willingness to assist.

A staff indicates support and help available from the Commission.

The letter 'h' is a reminder of the wheelchair, a symbol connected with the physically disabled.

The generic human element makes no distinction on the basis of gender or race.

Annual Report



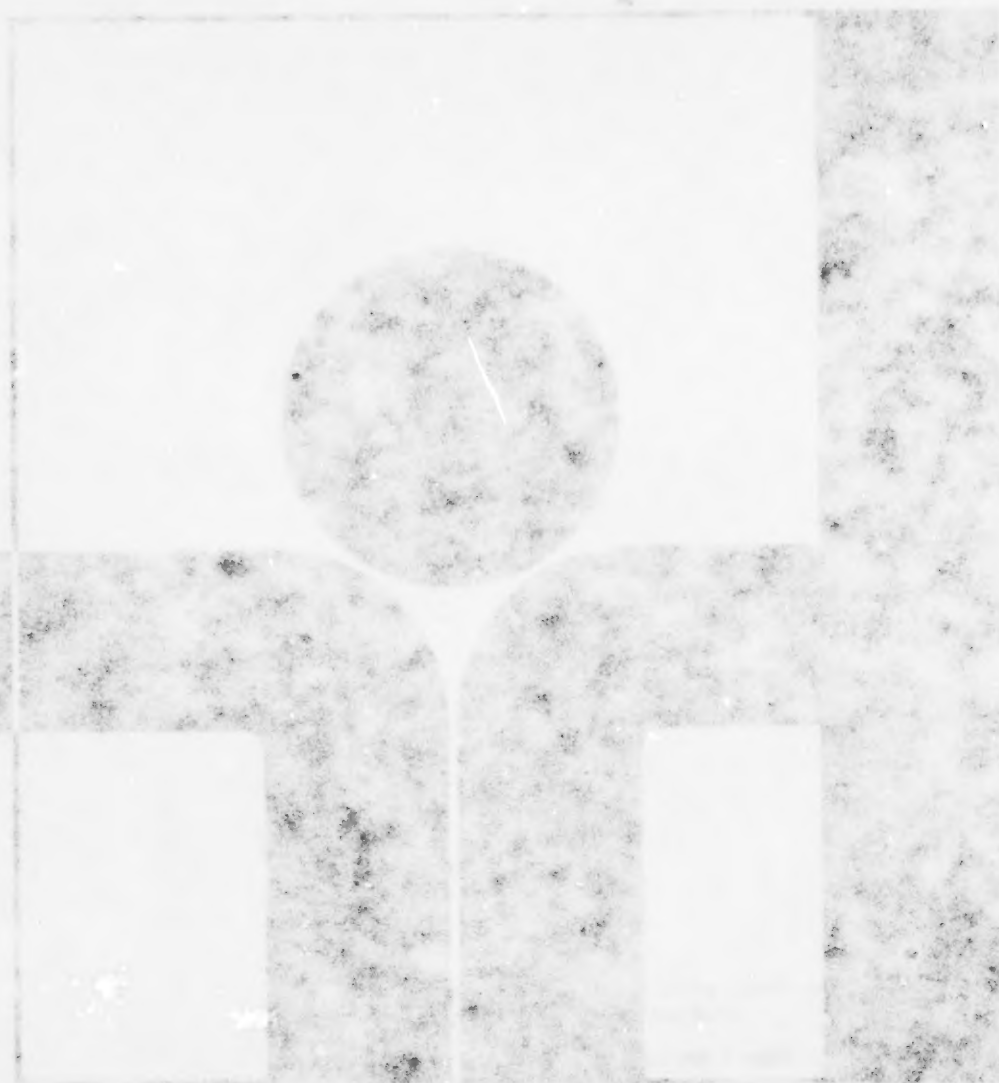
April 1, 1983-March 31, 1984

Alberta

HUMAN RIGHTS COMMISSION

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Annual Report



April 1957 - March 1958

Report of the Board of Directors

For the year ended March 31, 1958

Published by the Board of Directors



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the Minister

404 Legislature Building
Edmonton, Alberta Canada
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December, 1984

The Honourable G. Amerongen
Speaker
Legislative Assembly of Alberta

Sir:

I have the honour to submit the Annual Report of the Alberta Human Rights Commission for the fiscal year ended March 31, 1984. The report is submitted in accordance with section 18(2) of the Individual's Rights Protection Act.

Respectfully submitted,

Leslie G. Young
Minister of Labour

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HUMAN RIGHTS COMMISSION

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Room 902, 10808 - 99th Avenue, Edmonton, Alberta, Canada T5K 0G2 403/427-3116

December, 1984

The Honourable Leslie G. Young
Minister of Labour
Room 404, Legislature Building
Edmonton, Alberta

Dear Mr. Young:

I am pleased to submit to you, the Minister responsible for the administration of the Individual's Rights Protection Act, the Annual Report of the Alberta Human Rights Commission for fiscal year 1983-84 for tabling before the Legislative Assembly.

Yours truly,

A handwritten signature in cursive script, reading "Marlene Antonio".

Marlene Antonio
Chairman





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Small text block in the upper middle section, possibly a title or heading.

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"WHEREAS recognition of the inherent dignity and the equal and inalienable rights of all persons is the foundation of freedom, justice and peace in the world; and

WHEREAS it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in dignity and rights without regard to race, religious beliefs, colour, sex, physical characteristics, age, ancestry or place of origin; and

WHEREAS it is fitting that this principle be affirmed by the Legislature of Alberta in an enactment whereby those rights of the individual may be protected":

...From the Preamble to the Individual's Rights Protection Act.

Chairman's Report

Fiscal year 1983-84 was a challenging and rewarding year for the Alberta Human Rights Commission. The hard work and dedication of the Commissioners and Commission staff produced many accomplishments. We feel a sense of pride and satisfaction knowing the challenges that confronted the Commission were resolved with a high degree of success.

As it is the belief of the Commission that it is better "to educate than to investigate," a high priority was placed on educational activities.

One of the greatest challenges was the implementation of a public education program entitled "Alberta Is For All Of Us." In May 1983 the Commission requested and subsequently received financial support from the Government of Alberta to develop and carry out a province-wide public education program to combat racism. The program was comprised of a multi-media advertising campaign which included pamphlets and posters, the creation of a resource centre on racism, and the distribution of a series of profiles on ethno-cultural communities in Alberta for radio broadcast and newspaper publication.

The Commission would like to thank both Alberta Culture and the Alberta Cultural Heritage Council, as well as numerous newspapers, and radio stations, for their assistance in providing and relaying the profiles.

The advertising campaign was conducted from October to December 1983. A province-wide evaluation study indicated extensive public support for the campaign. For example, 78.1 per cent of Albertans surveyed thought the campaign was a good idea; 88 per cent of Albertans who recalled the campaign said it was meaningful and made them think about the effects of racism; 86.9 per cent of Albertans who recalled the campaign said it was realistic and relevant. Also, the evaluation study showed that the vast majority of Albertans are aware of the Alberta Human Rights Commission.

The pamphlets and posters distributed in support of the advertising campaign were also well received. Public demand for these materials was so great that extra copies were printed.

It is estimated that the Commission was able to reach some 1.6 million Albertans with the television advertising component of the program, far more people than we could ever reach through seminars, workshops and personal appearances. The importance of television advertising in assisting the Commission in fulfilling its legislative mandate to educate Albertans and to promote the principles embodied in the Individual's Rights Protection Act (IRPA) cannot be overstated. The Commission believes there is a definite need for ongoing television advertising initiatives and urges the Government of Alberta to allocate financial resources sufficient to carry out such initiatives.

A second major educational project was completed in March 1984 with the release of two booklets containing guidelines relating to physical disability. The first booklet deals with employment, and the second deals with tenancy and services and accommodations customarily available to the public.

The guidelines were assembled following the distribution of a discussion paper to hundreds of employers, landlords, service providers, special interest groups and individuals along with a request for input by means of written responses. The responses received were carefully scrutinized, and in many instances recommendations were incorporated into the final guidelines. As a result of the public input process, the Commission believes that the guidelines provide a fair interpretation of the IRPA as it relates to physical disability.

The Commission has further extended its educational mandate into policy dealing with informal resolutions.

For example, an individual advises the Commission that a certain restaurant is displaying a sign "Waitress Wanted." The individual doesn't necessarily want to lay a complaint, but would like to see the matter rectified. The Commission staff may contact the restaurant to advise management that this sign is in contravention of the IRPA.

In the past year the Commission, fulfilling its educational mandate, has been very successful in resolving situations. Many people are unaware that certain acts or attitudes may be perceived as being discriminatory, but when this is pointed out they are often willing to make changes. The result is that many situations are resolved, without formal complaints ever being laid.

Educational workshops are important vehicles in assisting the Commission in carrying out its mandate. During the past year the number of workshops increased by 35 per cent, and public participation at these workshops rose by 43 per cent.

In previous years, the Commission's policy was to hold at least two of its regularly scheduled monthly meetings in centres other than Calgary and Edmonton. Because of budgetary restraint, this practice was not followed this year, and the Commission held all of its meetings in either Calgary or Edmonton. However, in an effort to ensure that the Commission is accessible to all Albertans, the Commissioners and Commission staff accepted speaking invitations in all parts of the province.

In September 1983, in response to requests to visit the northern part of the province, an extensive tour that included Grande Prairie, Fairview, Spirit River, Valleyview, High Prairie, Peace River and High Level was undertaken. Public meetings and private discussions were held in each centre. In October, representatives of the Commission participated in public meetings, consultations and speaking engagements in Fort McMurray, and in March a similar program was carried out in Medicine Hat. Through efforts like this, the Commission was able to meet Albertans in all corners of the province, while keeping expenses to a minimum.

In response to its investigative mandate, the Commission handled 328 formal complaints in 1983-84, a slight decrease from the preceding year. Additionally, staff responded to more than 7,000 enquiries and informal resolutions.

(continued on page 2)

Chairman's Report

One of the long-held goals of the Commission is to ensure that it serves the public effectively and promptly. To this end, the time taken to resolve a complaint has decreased markedly from an average time of 492 days four years ago to 114 days this year. These figures not only include investigative time but also reflect extraneous factors like legal maneuvers and jurisdictional questions placed before the courts.

Although there were no board of inquiry decisions this year, three court decisions will have far-reaching effects on the activities of the Commission.

In the first decision, Justice Tevie H. Miller of the Court of Queen's Bench of Alberta ruled that discrimination because of sex does not cover pregnancy. If the Alberta Legislature intends to have pregnancy included as a prohibited ground for discrimination, it should clearly state its intention in the IRPA, said Mr. Justice Miller.

In the case of Didi Britton v. Alberta Blue Cross, the five-member panel of the Court of Appeal of Alberta dealt with the question of whether the seizures section (section 21) of the IRPA was unreasonable and therefore not compatible with the Canadian Charter of Rights and Freedoms. The court ruled that the provisions of the IRPA did not offend the Charter.

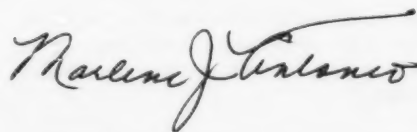
A third issue arose in the case of Bouten v. Mynarski Park School District No. 5012. Both the Court of Queen's Bench and the Court of Appeal ruled that this matter could not be heard by a board of inquiry because Mr. Bouten, prior to laying a complaint

with the Commission, had his complaint heard by a Board of Reference convened under the Alberta School Act.

It is the Commission's position that legal interpretations of this kind add clarity and provide operational parameters; they are of value not only to the Alberta Human Rights Commission, but to every Human Rights Commission in Canada.

This year marks the 10th anniversary of the Alberta Human Rights Commission. We look to the past with a deep sense of achievement knowing the Commission has had a positive influence in safeguarding and promoting values and principles that reflect the dignity and worth of human beings.

During the past 10 years the Commission has endeavoured not only to help those in our province who have experienced the inherent injustice of discrimination, but to give encouragement and support to the majority of Albertans who believe in equality and fairness. With this sense of past achievement and sustained public support, the Commission cannot but feel confident that it will successfully meet the challenges of the future.



Marlene Antonio, Chairman
Alberta Human Rights Commission

Introduction

Individual's Rights Protection Act

The Individual's Rights Protection Act (IRPA) bestows on the Commission a two-fold mandate; to promote and safeguard the spirit and principles embodied in the Act; and to protect Albertans against acts of discrimination. The Commission fulfills its mandate through educational and promotional programs and through investigation and enforcement activities.

The IRPA protects Albertans from acts of discrimination in three main areas — employment, tenancy and public services. It is a contravention of the Act to discriminate against anyone because of race, colour, sex, religious beliefs, physical characteristics, ancestry or place of origin in any of those three areas. Age and marital status are protected categories in employment only.

The IRPA is not a criminal code. The Commission does not look for "guilt" or "innocence." It does not have the power to order an employer, landlord or service-provider to pay a fine, or agree to a settlement. The Commission, however, does have the responsibility to attempt to negotiate settlements which lead to satisfactory resolutions of complaints. The aim of the Act is to give — to everyone in Alberta — an opportunity to earn a living, find a place to live and enjoy public services and accommodations.

When the Commission receives a complaint alleging an act of discrimination, human rights officers first determine whether the Commission has jurisdiction and whether there are "reasonable grounds" to believe discrimination has occurred.

When it appears that the IRPA has been contravened, the complainant is required to sign a complaint form. As the Commission is not able to investigate until a complaint is signed, citizens wishing to protect their rights must accept the responsibility of signing a complaint form. Once the form is signed, the respondent is notified of the complaint.

Commission investigations are objective and impartial. Respondents and complainants are given an equal opportunity to present their respective positions.

If it is determined that the IRPA has been contravened, Commission officers attempt to negotiate a settlement. Commission officers do not have the power to order a settlement. Because each case is unique, negotiated settlements can vary from letters of apology to cash settlements for lost wages.

Through the Commission's educational activities, schools, businesses, unions, special interest groups and the general public learn about the provisions of the IRPA and are encouraged to reflect upon the spirit and principles contained in them.

Through these educational activities, more and more Albertans have come to realize the IRPA is not designed to control prejudice — what people think — but to prohibit discrimination — what people do.

Alberta Human Rights Commission

The Alberta Human Rights Commission is made up of seven members appointed by the Lieutenant-Governor in Council, to represent the public at large.

The Commission meets for two days every month with meetings alternating between Calgary and Edmonton. Meetings are also sometimes held in other parts of the province.

The Commission has continued its policy of opening a portion of each meeting to the public and the media and releasing details of settled cases during these public meetings. The open portions have also served groups and individuals who have appeared before the Commission to discuss matters of concern or mutual interest. Confidential sessions are used to formulate policies, review complaints and discuss issues affecting the Act.

The Commission, appointed by the Lieutenant-Governor in Council, has independence and autonomy which are respected by the government. The Minister of Labour is responsible for the administration of the Individual's Rights Protection Act.

Administration

The head office, located in Edmonton, houses the chairman, executive director and support staff. This office is separate from the regional offices.

The Commission maintains two regional offices, one in Calgary, the other in Edmonton. It also is through these offices that the majority of contacts between the public and Commission staff, full-time public service employees, occur. The northern regional office in Edmonton is responsible for the area north of Red Deer while the southern regional office in Calgary is responsible for Commission activities in Red Deer and the southern part of the province.

Through the development of new guidelines and procedures, Commission staff have improved service to the public to the extent that the average time to settle a complaint has been reduced to 114 days compared to an average of 492 days four years ago.

This improved service is the result of a number of innovations in investigating and handling complaints. For example, human rights officers have been successful in resolving issues by an informal educational process. In such cases, there is no signed complaint nor subsequent investigation into an alleged act of discrimination. Rather, with the approval of the complainant, the human rights officer contacts the respondent to discuss an act which may cause a complaint to be filed. In many cases the individual or company is willing to resolve the matter by changing its actions so as to eliminate the alleged discriminatory act.

The use of newly-developed intake information forms, respondent response forms, and guidelines for processing complaints have increased the Commission's efficiency in handling complaints.

Introduction

The Commission has also accepted the principle of quick settlement procedures. At any point during an investigation, if a respondent indicates a desire to settle, the matter can be resolved without an investigation. This process is called a pre-determination settlement.

Pre-determination settlements can save time and expense. Such settlements can reduce the financial obligation of a respondent if lost wages are involved in the complaint and may also decrease the period of turmoil and crisis in the lives of the parties. Officers are encouraged to initiate pre-determination settlement discussions at any stage of the investigation.

The Commission also provides service to the public on an individual basis. Last year the Commission responded to over 8,000 telephone calls from people needing information. Many of the calls fell within the Commission's jurisdiction, but if they did not, when possible, an appropriate referral was made.

Investigative Responsibilities

Under Section 20 of the IPPA, the Commission is bound to investigate complaints before it and must endeavor to effect settlements of such complaints. Negotiated settlements can include anything from a simple apology to monetary compensation.

Neither the Commission staff nor the Commissioners can order either of the parties involved to accept a settlement.

The Commission may dismiss a complaint at any stage of the proceedings if, in its opinion, the complaint is without merit.

A person investigating a complaint may do any or all of the following:

- "(a) enter on the land or premises of a person, other than a room or place actually used as a dwelling, at any reasonable time and examine them;

- (b) demand the production for examination of employment applications, payrolls, records, documents, writings and papers that are or may be relevant to the investigation of the complaint;
- (c) on giving a receipt for them, remove any of the things referred to in clause (b) for the purpose of making copies or extracts of them."

Investigators may enter and examine a room or place used as a dwelling only if:

- "(a) the owner or person in possession of it gives his consent to the entry and examination, or
- (b) the entry and examination is authorized by an order of a judge of the Court of Queen's Bench."

If the person investigating a complaint:

- "(a) cannot obtain consent to enter and examine a room or place actually used as a dwelling or, having received consent, is obstructed or interfered with, or
- (b) is refused entry to land or premises other than a room or place actually used as a dwelling,"

he/she may apply to a judge of the Court of Queen's Bench for an order.

If the judge is satisfied that there are reasonable and probable grounds for believing that access is necessary for the purposes of the investigation, he/she may make an order:

- "(a) authorizing the entry and examination, or
- (b) prohibiting any person from obstructing or interfering with the entry and examination, or both."

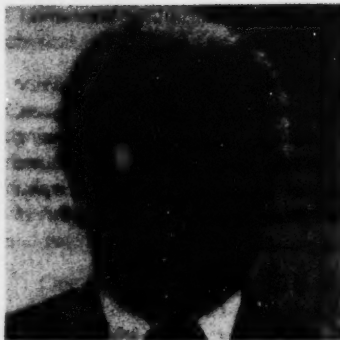
When a person refuses a demand to produce relevant documents, the human rights officer may apply to a judge of the Court of Queen's Bench and the judge may make any order necessary to enforce compliance.

Commission Members



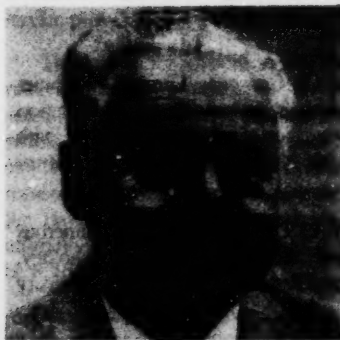
Chairman, Marlene Antonio, Calgary
December 19, 1979 to December 31, 1985
Appointed Chairman December 1, 1981
Re-appointed Chairman November 23, 1983

A resident of Calgary, Marlene Antonio has extensive experience as an educator. At the Division of Continuing Education for the Calgary Board of Education she taught basic skills to the disabled and the disadvantaged. She has taught in the Stettler, Medicine Hat and Drayton Valley school systems, at Mount Royal College in Calgary and in the Faculty of Education, University of Calgary. She has worked as a geologist with Texaco Exploration and the University of Saskatchewan (National Research Council). She received her B.Ed. and B.A. from the University of Saskatchewan and was that university's first woman graduate in geology. She has also completed graduate work in education at the University of Calgary. Currently, Mrs. Antonio is also a member of the Minister of Education's Committee on Tolerance and Understanding.



Roland Miles, Edmonton
November 7, 1979 to October 31, 1984

Roland "Rollie" Miles was born in Washington, D.C., and came to Canada as a baseball player. He later switched to football with the Edmonton Eskimos and played with that team for 11 years. He has been involved in education with the Edmonton Separate School Board for more than 28 years as a teacher, consultant and supervisor. He received a Bachelor of Science degree from St. Augustine's College in North Carolina, a Bachelor of Education degree from the University of Alberta and a Master's degree in Family Counselling and Guidance from the University of Arizona. In recognition of his involvement in community activities he was one of 16 persons nominated by the City of Edmonton as a founding father. He is a former director of the Canadian Council of Christians and Jews, a member of the Commonwealth Games Committee and past president of the Canadian Progress Club as well as a member of the Health and Physical Education Council. He was vice-chairman of the Intercontinental Baseball Committee. Currently, Mr. Miles is supervisor of physical education for the Edmonton Separate School Board, and president of the Alberta Schools' Athletic Association. He is married and has four sons and three daughters, and is the proud grandfather of 13 grandchildren.



Stanley Scudder, Edmonton
April 1, 1981 to March 31, 1985

Stanley Scudder, born in Winnipeg, Manitoba, is president of an Edmonton insurance agency and has been associated with the insurance industry for the past 37 years. He is involved with church activities and is chairman of the Church and Society Committee, a subcommittee of the Edmonton Diocese of the Anglican Church. The committee is concerned with such topics as justice, Native concerns, and the problems of the needy and oppressed. He is founding president of the Westmount Christian Council, an ecumenical group in west Edmonton.



Sheryl Wowk, Edmonton
November 1, 1981 to November 1, 1985

Sheryl Wowk was born and raised in Edmonton and has been involved for a number of years in community affairs, including volunteer work for the United Way and the mentally disabled. She is actively involved in union activities and served on the executive council of the Alberta Federation of Labour (AFL) for three terms. She is a graduate of the Labour College of Canada and served as a chairperson of the Duke of Edinburgh Commonwealth Conference Study. She was chairperson of the AFL's Human Rights Committee. She has worked for Air Canada for the past 17 years. Currently, she is on leave of absence from Air Canada and is working as the Alberta representative with the Service Employees International Union.

Commission Members



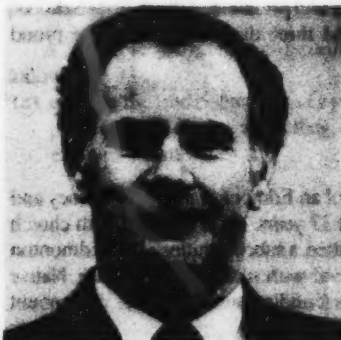
Alice Haxton, Fort McMurray
February 10, 1982 to January 31, 1986

Alice Haxton is one of the pioneers of the Fort McMurray area. She was born and raised near Winnipeg, Manitoba, and lived in northern British Columbia before moving to Fort McMurray. She was widowed in 1972 and operated the family-owned business, Haxton's General Store, on her own until it was destroyed by fire on Christmas Day, 1979. She is actively involved in her own business interests as well as in the business community. She is a member of the Oil Sands Impact Committee, past president of the Fort McMurray Chamber of Commerce, past president of the Fort McMurray Burns Club, past honorary chairman of the United Way, a member of the board of directors of the Fort McMurray Family Y.M.C.A., and a member of the steering committee of the Downtown Business Association.



Gerri Ehli
July 7, 1982 to June 30, 1986

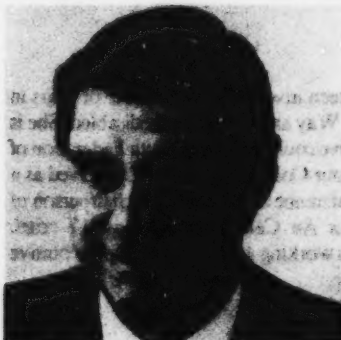
A resident of Cardston, Gerri Ehli is commercial development co-ordinator for the Blood Tribe Economic Development Department. She has been involved in a number of community projects, including volunteer work with the Southern Alberta Native Handicapped Society. Before joining the Blood Tribe Economic Development group 13 years ago, she worked for a bank, an insurance company, a radio station, and the federal department of Indian and Northern Affairs. Ms. Ehli is also a clothes designer. As a result of her marriage, Ms. Ehli is a non-status Native. She is the mother of five boys, aged 12 to 22.



Kenneth McNeill, Calgary
October 1, 1983 to September 20, 1987

Kenneth McNeill is vice-president of administration, Home Oil Company Limited. His duties include responsibility for human resources, administrative services, purchasing and the aviation department. Before joining Home Oil, Mr. McNeill was manager of employee relations with Hudson's Bay Oil and Gas Company Ltd., and from 1954 to 1969 he was a member of the City of Calgary Police Department.

Mr. McNeill studied aeronautical engineering technology at S.A.I.T. and has completed numerous courses in personnel management, labour relations, human motivation, compensation, psychology, time management and communications. He has taught at Mount Royal College and the University of Calgary, and is active in sports and community affairs.



William Goetz, Calgary
November 1, 1981 to May 31, 1983

William Goetz, corporate vice-president of human resources for Burns Foods Ltd. in Calgary, has been with the company since 1949, when he started in Kitchener, Ontario as an accounting junior. He was transferred to Calgary in 1957 and became assistant to the general manager of industrial engineering; in 1965 he was made general manager of personnel and industrial relations; in 1967 he became executive assistant to the president; in 1974 he was promoted to vice-president and director of industrial relations and in 1981 he was made corporate vice-president for human resources. As corporate vice-president he is responsible for staff training, internal security, and staff personnel policy. During his career with Burns, he has developed a thorough background in employee and industrial relations and corporate affairs.

Physical Characteristics Guidelines

The Individual's Rights Protection Act (IRPA) was amended in 1980 to include physical characteristics as a protected category in employment, tenancy and public services. "Physical characteristics," as defined in the IRPA, means any degree of physical disability, infirmity, malformation or disfigurement caused by bodily injury, birth defect or illness. This includes epilepsy, paralysis, amputation, lack of co-ordination, blindness, deafness, muteness, physical reliance on a guide dog, and handicaps requiring the use of a wheelchair or other remedial appliances and devices.

A number of employers, landlords, service providers, groups involved with the physically disabled, and physically disabled individuals were uncertain as to the application of the IRPA. In order to remove this uncertainty, the Alberta Human Rights Commission commenced a process to develop comprehensive physical characteristics guidelines.

As part of this process and for the first time in its history, the Commission invited the public to participate in the development of these guidelines. Two discussion papers were developed and more than 3,000 copies were distributed to various individuals and groups. Written commentary was invited and the responses were carefully studied with many recommendations being incorporated into two final sets of guidelines.

One set of guidelines applies to employers, and is designed to assist both employers and employees in understanding their rights and responsibilities in dealing with the physical characteristics aspect of the IRPA. The second set of guidelines assists landlords, service providers and their respective clients.

The key factor in both sets of guidelines is the concept of reasonable accommodation. In employment, reasonable accommodation means the adaptation of employment practices to enable the participation of any person who has the capacity and ability to participate. With respect to tenancy and public services, reasonable accommodation means the adaptation of services, or the physical environment associated with tenancy, to enable utilization of services or facilities by persons who might otherwise be restricted from using them.

To "reasonably accommodate" may require physical alterations, use of protective devices, provision and use of technical aids and devices, or relocation of programs.

For example, the employment guidelines state that employers should be "aware of the need to provide reasonable accommodation in employment to a person with a functional impairment." However, the guidelines also note that an employer does not have to hire or continue to employ a functionally impaired individual if the employer can prove there is a *greater* than normal safety or health hazard to employees or the public.

Within any general category of injury or disability, individuals have varying degrees of disability or risk of disability. Employment decisions should be based on the capacities and abilities of the individual.

The same philosophy of reasonable accommodation applies to landlords and service providers. According to the guidelines: "denial of the advantages of services or tenancy to an individual with a functional impairment, on the basis of that individual's impairment, may be considered discriminatory."

The guidelines suggest that a service provider or landlord should provide reasonable accommodation to compensate for the limitations or special needs of a person with a functional impairment.

The following statement may help a service provider or landlord in deciding how reasonable accommodation can be applied:

- A decision to provide services or tenancy to a functionally impaired person should not be based on assumptions. Every effort should be made to consider the specific limitations of the individual.
- If it is not possible for a service provider or landlord to reasonably accommodate a functionally impaired person in the usual manner, alternatives should be considered.

For example, if every library had to have facilities to accommodate all blind people, it would mean every book would have to be available in Braille, or every community library would have to have a reading machine. Such interpretations would likely result in a curtailment of library services for the blind because of the economic costs involved in providing full services. The reasonable alternative would be to provide these services at one library.

The concept of reasonable accommodation is also applied to the guidelines covering accessibility, alternatives and safety factors.

Education and Promotion

"Alberta Is For All Of Us" Campaign

A series of racial incidents, as well as representations to the Commission from individuals and groups who felt they had been subjected to racial discrimination, resulted in the largest public education program ever undertaken by the Alberta Human Rights Commission.

Under the theme "Alberta Is For All Of Us," a \$542,000 multi-media awareness campaign was launched in October, utilizing all television and radio stations, as well as all daily, weekly and ethnic newspapers in the province.

The theme of the campaign clearly reflects the Alberta government's and the Commission's philosophy towards racism in the province — namely that racism is totally unacceptable. The theme is a reaffirmation of the principles embodied in the Alberta Bill of Rights and the Individual's Rights Protection Act.

The main objectives of the program were:

- to make the general public, especially parents and children, aware of the harmful effects of racism; and
- to promote tolerance, respect and understanding of the various ethnic and cultural communities in the province.

The campaign opened with a major news conference on October 4, which was followed the next day by the airing of the first of two television commercials. The commercial showed a small boy who, when calling on a friend, is told that the friend must now play with his own kind. When the youngster asks "Who is your kind?" the friend replies "I don't know. I thought you were." An announcer notes that racism isn't something we are born with, it's something we learn. Parents should be careful of what their children learn from our environment. Care was taken to ensure that the boys in the commercial did not represent any one race or colour. A second commercial showing different ethnic groups working together to build a future for Alberta was also used.

Audio versions of both commercials were used in radio advertising and the themes were carried over into newspaper advertising.

An evaluation study indicated that the majority of Albertans were very supportive of the campaign.

The study, carried out by a Calgary research group, was based on 602 telephone interviews with a representative sample of Alberta's adult population. The interviews were conducted nine weeks after the campaign began and included people living in Calgary, Edmonton, Lethbridge, Medicine Hat, Red Deer and 21 rural communities in northern and southern Alberta.

Selected highlights of the study revealed that:

- 88 per cent who recalled the campaign regarded it as meaningful and said that it resulted in them thinking about the effects of racism;
- 78.1 per cent thought the advertising campaign was a good idea;

- 78.8 per cent who discussed the campaign did so with other members of their families;
- 79.9 per cent who recalled the campaign said it appealed to them;
- 86.9 per cent who recalled the campaign said it was realistic and relevant;
- 63.8 per cent who recalled the campaign believed it would make people think about racism, open people's eyes to racism or make people aware of racism;
- 90 per cent said they were aware of the Alberta Human Rights Commission.

The results of the survey indicated not only that the Commission effectively reached the majority of Albertans, but that more people have started to think about the dangers of racism. The Commission hopes to continue giving the people of Alberta something to think about. The future of this province may well be determined by those among us who accept the responsibility of making sure that Alberta is for all of us.

In support of the advertising component of the awareness campaign, the Commission produced a booklet, a pamphlet and posters. The posters and booklet were sent to all schools in the province and the pamphlet was distributed through Calgary and Edmonton supermarkets. More than 1,000 pamphlets were also sent out to members of special interest groups and members of the public requesting information on the anti-racism campaign.

As part of its public education program, the Commission also established a resource centre, in the Alberta Labour library. The Commission is continuing to add to the list of materials and references in the resource centre, which is located on the third floor of the building housing the Department of Labour, 10808 - 99 Avenue, Edmonton. It would be very difficult to stock all materials on racism, but the resource centre has been established to gather appropriate source material. For example, the resource centre has a list of books suitable for school-age children on prejudice and racism.

The media played an important role in keeping the anti-racism message before the public long after the advertising component of the campaign officially ended.

Recorded public service announcements detailing the history of the more than 50 ethnic and cultural groups who have settled in Alberta were sent to every radio station in the province. Similar material was provided to weekly and ethnic newspapers in the province. Background for the ethno-cultural series was based on the "Profiles" series researched by the Alberta Cultural Heritage Council and prepared by Alberta Culture.

The Commission is also preparing a simplified version of the anti-racism booklet produced during the advertising campaign. The new booklet is in response to the hundreds of requests from Alberta school children who wanted to know more about how they could help reduce prejudice and discrimination in the province.

Education and Promotion

The completion of this program, however, does not mean that the Commission is finished with its anti-discrimination campaigns. Well before the multi-media public education program was launched, the Commission was speaking to the public about the dangers of racism and other discrimination problems through visits to service clubs, special interest groups and conferences, and at regular meetings of various community groups. The education officers in both Calgary and Edmonton also held workshops for various groups to increase awareness of how the IRPA protects Albertans from discrimination. These activities, in addition to new projects, will continue.

As part of its ongoing mandate the Commission also heard from various groups at the open portion of its regular monthly meetings. A number of groups and individuals also attended the confidential sessions of the Commission meetings to discuss matters of mutual concern.

The Alberta Human Rights commission is an active member of the International Association of Official Human Rights Agencies (IAOHRA) and of the Canadian Association of Statutory Human Rights Agencies (CASHRA). Commission and staff members attended the annual CASHRA conference held in May 1983 in Saskatoon, Saskatchewan.

Meetings

Regional Meetings

Because of budgetary restraint, there were no official meetings of the Alberta Human Rights Commission outside Calgary or Edmonton during the past year.

Northern Alberta Tour

In an effort to make the Commission more accessible to citizens of northern Alberta, Commission chairman Marlene Antonio, Commissioner Stan Scudder and Commission staff J. Tutty, D. St. Arnaud and P. Sherbin visited Grande Prairie, Spirit River, Valleyview, Fairview, High Prairie, Peace River and High Level in late September.

The group met with major employers, representatives of municipal governments and private citizens. In High Level, the Commission was presented with a brief titled "The Right to Read," which deplored illiteracy in northern areas of the province. The brief was subsequently forwarded to the Ministers of Education and Advanced Education.

The northern Alberta tour was organized in response to a challenge made by members of the Native community when the Commission met in Slave Lake in 1982. Here the Commission was criticized for not making itself known in the north. The Commission was told that Natives faced a great deal of discrimination in northern communities and that it was difficult for them to get to Edmonton to discuss their problems. Much to the regret of the Commission, few Natives took advantage of the opportunity to meet with the Commission during this tour of the north. But other Albertans did.

Several of the problems presented to the Commission during the tour did not fall under its jurisdiction. Commission officials brought these matters to the attention of the proper authorities.

A number of people met with the Commission to obtain more information on how the Commission operates and how it processes complaints.

The tour generally was considered worthwhile because it helped to make the Commission better known in the north, and has given the Commission a much better understanding of northern Alberta.

Visit to Fort McMurray

Commission chairman Marlene Antonio, along with J. Tutty, J. Smith and P. Sherbin, travelled to Fort McMurray, where they were joined by Commissioner Alice Haxton.

Commission staff conducted workshops and spoke to high school students while Mrs. Antonio held a public meeting in the Provincial Building. The meeting was attended by union representatives and private citizens wishing to discuss human rights concerns.

At the invitation of Commissioner Haxton, who is president of the Fort McMurray Chamber of Commerce, Mrs. Antonio was guest speaker at the Chamber's monthly luncheon meeting. After the meeting, the Commissioners and Commission staff were taken on a tour of Syncrude.

Commissioner Haxton arranged an evening meeting between the Commission and a group of local citizens.

International Human Rights Day 35th Anniversary December 10, 1983.

In honour of the 35th anniversary of International Human Rights Day, the Alberta Human Rights Commission sponsored an essay contest for students.

Students were asked to write about the dangers of racism or the significance of International Human Rights Day. More than 350 entries were received. The theme of all essays was "Racism Hurts."

Winners in the elementary school (grades four to six) category were: first place, Mark Pelster, grade six, Tofield School, Tofield; second place, Sheldon Frigon, grade six, Our Lady of Mt. Pleasant School, Camrose; third place, Janice Willier, grade five, St. Andrews School, High Prairie.

In the junior high (grades seven to nine) category the winners were: first place, Holly Day Odale Blakis, grade nine, Ben Calf Robe School, Edmonton; second place, Harold Parlee, grade nine, Sexsmith Secondary School, Sexsmith; and third place, Lydia Koenig, grade nine, Highland Junior High School, Edmonton.

Education and Promotion

The high school winners (grades 10 to 12) were: first place, Mary High, Guss Wetter High School, Castor; second place, Kirsten Rolheiser, Grand Centre High School, Grand Centre; third place, Lindy Andres, Acme School, Acme. All three winners were grade 10 students.

Awards for outstanding coverage of human rights issues were also presented to the media in honour of the 35th anniversary. The awards, presented at the Commission's December meeting in Calgary, were given to Agnes Buttner of the Edmonton Journal and Cynthia Ott of CBC-TV in Edmonton. Awards were also given to the Calgary Herald, the CBC radio morning show "The Calgary Eye-Opener," CISN-FM radio in Edmonton and The Red Deer Advocate.

The Commission wrote to more than 2,000 churches in the province to remind them of the 35th anniversary celebrations and supply them with background material on the significance of International Human Rights Day.

Every municipality in the province was contacted and asked to set aside a special day to commemorate International Human Rights Day. A number of cities sent a copy of their formal declarations to the Commission.

News features on the anniversary as well as background material on the various agreements and covenants were sent to every weekly newspaper in the province.

Public service announcements were taped and forwarded to more than 45 radio stations to remind Albertans that when they protect the rights of others, they also protect their own rights.

Education

The goal of the Commission's education program is to help eliminate discrimination by creating an awareness of human rights legislation through seminars, workshops and public presentations to interested groups.

The education officers have developed in-house workshops, resource material, curriculum material and educational programs in order to accomplish this goal.

During the past year, the activities of the education officers increased by more than 35 per cent and the number of participants

in education programs increased by a little more than 43 per cent. Education officers conducted a total of 213 workshops during 1983-84 compared to 158 the previous year, and the number of participants rose to 6,418 from 4,470.

The policy of holding in-house workshops designed to help employers understand and abide by the IRPA when hiring, firing or promoting employees was continued, and regular workshops were conducted every two months in Edmonton and Calgary.

The workshops have been popular with the business community. As well as learning about the various aspects of the IRPA, employers have also used the workshops to learn how other companies deal with discrimination problems.

The education officers have also begun revising the "Respecting Our Differences" curriculum used by grade 10 social studies students. Video tapes entitled "Role Call" and "Reservations" were purchased for the education program and an information booklet outlining the services of the education area was produced.

Public Affairs

Media interest in the activities of the Commission increased substantially in 1983-84; there were 702 contacts with the media, compared to 383 the previous year. This represents an increase of close to 85 per cent. These contacts included media interviews with the chairman and responses to media requests for information.

Special packages were prepared and forwarded to the media for International Human Rights Day and the Commission's anti-racism campaign.

Two major news conferences were held, one to announce the launching of the anti-racism campaign and the other to report the results of the campaign.

The Commission's public affairs officer was responsible for a variety of activities, which included developing advertising, writing speeches, preparing news releases, acting as media liaison, analysing media coverage, publishing and distributing the Alberta Human Rights Journal, responding to information enquiries from the general public, co-ordinating production of audio-visuals, and preparing the Commission's annual report.

Judicial Decisions

Hon. Mr. Justice Tevie H. Miller in the matter of a Board of Inquiry consisting of Maurice J. Sychuk, Q.C., of Edmonton as Chairman and complaint of Vivian Wong against Hughes Petroleum Ltd.

Vivian Wong filed a complaint with the Commission against her former employer, Hughes Petroleum Ltd., alleging that she had been dismissed from her job because she was pregnant. This, she maintained, was discrimination because of sex, prohibited under IRPA.

When the matter could not be settled at the Commission level, the Minister of Labour was directed to appoint a board of inquiry. Maurice Sychuk, Q.C., was appointed as chairman, but before the board began its hearings, the matter was referred to the Court of Queen's Bench of Alberta in the form of a stated case.

The court was asked to give its opinion on the following questions of law:

1. What is the onus of proof in an inquiry, under the Individual's Rights Protection Act?
2. Is a dismissal based solely, or in the alternative partly, on account of an employee's pregnancy, discrimination because of sex within the meaning of the Act?
3. Does the board of inquiry have jurisdiction to award compensation for such a dismissal in excess of damages awarded for wrongful dismissal?

In ruling on the first question, Mr. Justice Miller noted that counsel for the employer argued that the burden of proof should be the same as in a criminal offense, namely beyond a reasonable doubt. Counsel for the Commission argued for a "balance of probabilities," that is, the usual civil standard.

In his judgment, Mr. Justice Miller said that although there did not appear to be any decided cases on this matter, "I am of the view that it is stretching the point to try to make a valid complaint under the Act into an offense, at least at the level of the board of inquiry. I think such an interpretation does violence to the obvious intent of the Act which is to try to mediate any problem at several levels before it reaches an actual formal court hearing, and it is only at the last level that any penalties approaching the usual criminal consequences can be leveled."

He said that in his judgment "the standard of proof... is the usual civil burden — namely by a balance of probabilities."

In addressing the second question of law, Mr. Justice Miller referred to a Supreme Court of Canada decision, *Bliss v. Attorney General for Canada*. Although the case did not deal specifically with a human rights code, the basic proposition of the ruling was that distinction or discrimination based upon pregnancy is not discrimination based upon sex.

Mr. Justice Miller noted that the real basis of the *Bliss* decision is that there was no breach of the "Equality Before the Law" clause of the Canadian Bill of Rights. In his ruling, he said he doubted "that anyone in Canada today seriously questioned society's obligations in the maternity leave area... As our present lifestyle seems to encourage women to be employed outside of the home

and, for the foreseeable future, it is the female of the species who must physically nurture the fetus to birth, it is and will be incumbent upon society to make the necessary financial commitments so that a woman can fulfill her reproductive role and still be able to be treated fairly and equitably in the work place.

"The real question is whether the legislators of this province have accomplished this end by the present wording of... the act. I have come to the conclusion that I am bound by the *obiter dictum* in the *Bliss* case and that the term "discrimination because of sex" does not cover a pregnancy. If it is the intention of our legislators to cover this situation, it will have to do so specifically in its legislation, as has been done by the Province of Saskatchewan," he ruled.

In his ruling on the third question, as to whether the board of inquiry can award compensation for dismissal higher than damages awarded for wrongful dismissal, Mr. Justice Miller said that the answer must be a "qualified no."

He explained that "if the situation being considered is one of terminating employment in contravention of the act, it is my view that damages to be awarded (by the board) are limited to the special damage variety. If the problem arises out of some other situation, then the principles of wrongful dismissal may not apply in any case."

He said, however, that the board could take "whatever steps it can to restore the affected person to (his/her) former position."

In the Court of Appeal of Alberta with the Hon. Mr. Justices Moir, Haddad and Stevenson in the matter of an application for an order in the nature of certiorari; the matter of an order dated March 13, 1981; and between the Alberta Human Rights Commission and Pro Western Plastics Ltd.

The Commission appealed an order of *certiorari* which was issued by a judge of the Court of Queen's Bench quashing an order of the Minister of Labour appointing a board of inquiry. The board had been appointed to hear two complaints of discrimination based upon equal pay for equal work. One complaint was on behalf of Susan Snyder, a former employee, and the other complaint was filed by the Alberta Human Rights Commission. Before the matter reached the appeal court, however, the Commission dismissed its own complaint so that the court concerned itself only with the complaint filed by Ms. Snyder.

The Commission's appeal was based on the argument that the remedy of *certiorari* did not apply to boards of inquiry and/or that the Chamber Judge erred when he granted the *certiorari* on the basis that the statutory precondition of inability to effect a settlement had not existed.

Mr. Justices Haddad and Stevenson, in a majority report, denied the Commission's appeal stating that the Court of Queen's Bench did have the right to quash the board of inquiry. In his decision, Mr. Justice Haddad explained that he accepted Pro Western Plastic's arguments that the Commission did not make all reasonable attempts to settle the complaint. As a result, appointing

Judicial Decisions

the board was a violation of the IRPA. "If the facts establish that to be so, and in my belief they do, then the appointment is without jurisdiction and ineffective."

Citing a number of cases in other jurisdictions involving appointed boards, Mr. Justice Haddad noted that he found nothing in the cases "to suggest that a tribunal acquires the discretionary prerogative to find, as a fact, that it complied with an obligation. When the existence of a statutory condition becomes an issue, its resolution is subject to judicial review unless the statute contains a provision to the contrary, and in the Act there is no such contrary provision."

"For the reasons I have expressed, I have no hesitation in finding that *certiorari* is a remedy available to quash the appointment of the board of inquiry," he said.

In dealing with the second question, whether the Commission had tried to effect a reasonable settlement, Mr. Justice Haddad outlined the sequence of events in the complaint, using material and letters submitted by both the Commission and Pro Western Plastics.

"In my view, the learned trial judge rightly concluded that the evidence did not establish that the Commission had arrived at the point where the inability to effect a settlement existed. The stage for the appointment of a board of inquiry had not been properly set, and for that reason, the appointment became a nullity."

He noted that when the Commission asked for the appointment of a board of inquiry, it did not say that it was unable to effect a settlement. Instead, it classed the respondent's failure to accept its demands as 'unsuccessful.' It does not appear to have asked itself the correct question at the very initiation of the inquiry.

The Commission's appeal was dismissed with costs.

In a dissenting decision, Mr. Justice Moir said he did not agree with the reasons cited by Mr. Justice Haddad to dismiss the appeal.

"Even if the court has the right to intervene by prerogative writ, the facts do not justify the result in my respectful opinion," he wrote.

In his brief, Mr. Justice Moir noted that "the Commission must find something valid in a complaint before they can attempt to effect a settlement. That is precisely what they found. They told the respondent exactly that."

He felt that the Commission attempted to negotiate a settlement. "The respondent replied that they would not meet until they were told more. That may very well be taken to be a refusal to negotiate or to settle. The Court cannot usurp the functions of the Commission and of the Minister by saying that they should do more. The Commission found the complaints to be justified. They had evidence. They proposed a settlement. The objections taken were in my opinion without merit and irrelevant to the matters complained of by Ms. Snyder."

"Even if they were not, the respondent would not settle. He would not even meet to discuss the proposed settlement of April 16, 1980. That made settlement impossible and the actions of the Minister, as authorized by the legislature, followed. That is an end of the matter."

In the Court of Appeal of Alberta with the Hon. Chief Justice McGillivray and Hon. Mr. Justices Lieberman, Moir, Haddad and Kerans, in the matter of a complaint of discrimination in employment filed by Didi Britton against Alberta Blue Cross Plan.

The Commission appealed a decision made by the Hon. Mr. Justice V.M.W. Smith. Mr. Justice Smith had dismissed a Commission application asking for an order compelling the Alberta Blue Cross Plan to produce personnel records of all employees from October 1, 1977 to October 1, 1980 in order to investigate a complaint of alleged sex discrimination.

The appeal was heard by a three-judge panel of the Alberta court of Appeal and the Commission was asked to re-argue the case before the full Court of Appeal.

The Commission was also asked to present a case on whether pregnancy was considered to be sex discrimination under the provisions of the IRPA and whether section 21 of the Act, which deals with seizure of records, was compatible with the reasonable search and seizure provisions under the Canadian Charter of Rights and Freedoms.

In its report, the Appeal Court noted the recent decision made by Mr. Justice Miller in *Wong v. Hughes Petroleum*, in which it was ruled that dismissal because of pregnancy was not sex discrimination. But, he added, the pregnancy issue was not relevant to the appeal in this case.

"Before us is only an application for an order requiring production of documents in connection with the investigation." Referring to section 23 of the IRPA, which provides for an order from the courts to produce documents "necessary to enforce compliance," the Appeal Court agreed that the court need only rule on the pertinence of the sought-for documents. "...Only by the most strained interpretation can one conclude that the section calls for the review by the judge of the validity of the underlying complaint."

The next question dealt with by the five-judge panel was whether the seizure sections of the IRPA were unreasonable and therefore not compatible with the Charter of Rights.

"We accept the view that a forced production of documents in a civil proceeding or during an administrative enquiry is a seizure. The question is whether it is reasonable."

The court noted there were a number of protections built into the Commission's procedures, including the fact that the complaint did not involve a criminal matter and could come under judicial review. As well, only material relevant to the complaint need be produced, and a judge could decide what was relevant. If a judge were asked to rule on the matter, both the

Judicial Decisions

Commission and the respondent could give testimony. If the respondent were ordered to produce the documents, all materials would have to be returned within 48 hours.

The court ruled that the provisions of the Act did not, therefore, offend the Charter of Rights.

The Justices also considered the question of the confidentiality of Alberta Blue Cross Plan personnel records. The court set aside the judgment of the Court of Queen's Bench, which ruled that because the records were confidential the employer did not have to produce them for the Commission.

The Appeal Court ruled that if confidentiality were a factor, then the respondent must have the courts declare that a specific document, rather than the entire personnel file, is confidential and need not be provided to the Commission.

"The Chambers Judge knew neither the injury that might come, nor the benefit that might be gained. Because he had not yet reviewed a specific document sought to be suppressed, he did not know what were the contents of the document, who would be harmed, and how much harm would come by publication. On the other hand, and for the same reason, he did not know how significant the contents of the document would be in determining the complaint before the Commission. One can readily speculate that great numbers of documents in these files might well be confidential and might well be suppressed. But one can as well imagine a document in which some supervisor suggests that some pretext should be found for the dismissal of this pregnant employee."

The last question ruled upon by the Appeal Court concerned the relevance of the material being requested by the Commission. The Commission had asked for the complainant's file, all personnel records on all pregnant employees for three years, all other personnel records, and all absentee records for three years. Although the Alberta Blue Cross Plan complied with the first, it refused the others. In the Court of Queen's Bench, the judge ruled that if it were not for the questions of confidentiality, he would have granted the second request. However, the Appeals Court said that the Commission could ask for those records. The question of all records was referred back to the Court of Queen's Bench. The Appeal Court, however, ruled that the absentee records were not relevant and did not have to be produced. The appeal by the Commission was therefore allowed in part, with each party to pay its own costs.

In the Court of Appeal of Alberta with Mr. Justices Moir, McClung and Stevenson in the matter of a complaint of age and sex discrimination filed by Hubert Bouten against the Mynarski Park School District No. 5012.

Hubert Bouten complained to the Alberta Human Rights Commission that he was not allowed to continue working as a teacher for the Mynarski Park School District because of his age and sex. When an agreement could not be reached between the two parties, the Commission directed the Minister of Labour to appoint a board of inquiry into the matter.

However, before the board began its hearing the matter was taken to the Court of Queen's Bench to determine whether the matter was under provincial or federal jurisdiction, as the school in question was located on an army base. At the Court of Queen's Bench, the judge ruled that the matter itself could not be heard by a board of inquiry because Mr. Bouten had already appealed the school board's decision before the Board of Reference, convened under the provisions of the Alberta School Act.

The Commission appealed the decision of the Court of Queen's Bench.

In its decision, the Appeal Court noted that "by the proceedings before the Board of Reference, Bouten sought a remedy for wrongful dismissal. Had he been successful, that remedy might have been his reinstatement to the position he had lost or compensation by way of damages. By his current complaint before the commission, he seeks the same remedies."

The court noted that the issue before the Board of Reference was equality of treatment and that the board ruled that Mr. Bouten's termination was reasonable. It ruled that Mr. Bouten could not have his case heard again for almost identical reasons at a board of inquiry. The Appeal Court upheld the decision of the court of Queen's Bench and dismissed the Commission's appeal.

The Alberta Human Rights Commission sought leave to appeal the case before the Supreme Court of Canada. The Supreme Court, however, did not grant leave to appeal.

As a result, Mr. Bouten's discrimination complaint was dismissed because of lack of jurisdiction.

Ombudsman

During fiscal year 1983-84, the Alberta Ombudsman received four complaints against the Alberta Human Rights Commission contending that the Commission had not properly investigated discrimination complaints. In three of the four cases, the Ombudsman found that the Commission's investigations had been "full, fair and impartial". Consequently, the Ombudsman ruled that he could not support these complaints against the Commission. The fourth complaint is still under investigation.

Annual Report Case Profiles

Employment/Age

Case 81-110-81 ... Substantiated — Settled

A mechanic who worked for more than 14 years with a large industrial company retained his job when the company was sold to new owners. Three years later, however, the original owners bought the company back and the mechanic was laid off. The man said he was taken aside and told he would not be re-hired because, at age 63, he was too old.

The man filed a complaint of age discrimination with the Commission.

Company officials told Commission investigators that the mechanic was not rehired because there was not enough work. The company said that the man was told he could take an early pension because of his 14 years' previous service with the company. They also noted that they had recently offered the man another job, but the man did not want it.

The mechanic confirmed he had been offered another job, but noted that the offer was made after he had filed his complaint. The man said he did not accept the new job because he felt that the company would subsequently fire him on grounds not covered by the IRPA.

Commission investigators learned that when the mechanic refused the new job, no other person was hired in his place.

Commission investigators felt the complaint of age discrimination was substantiated and worked with both parties to reach a reasonable settlement. As part of the settlement, the man received a payment of \$2,500 and the company agreed to abide by the provisions of the IRPA. Under section 7(1) of the IRPA, age (from 45 to 65) is a protected category and employers cannot use age as a basis for discrimination.

Employment/Race

Case 83-120-80 ... Unsubstantiated — Settled

After working for almost eight years at a hotel, a Native woman was fired by a new manager.

The woman said she was drinking at the hotel with some friends when the bar manager called her derogatory racial names and fired her. Another employee drinking with the group, who was not a Native, was not fired. The woman filed a complaint of discrimination based upon race and ancestry. The manager admitted to Commission investigators that he did swear at the woman and called her a derogatory racial name but that he did not fire her because of her race. He said there was a "personality conflict" with the Native woman and she had "disruptive after-work social habits."

However, before the Commission could substantiate the complaint, the manager left his job and the Native woman was rehired by hotel management. Although the complaint was not substantiated, the two parties agreed to settle the matter through a formal memorandum of agreement which included an agreement to rehire the woman and to abide by the provisions of the IRPA.

Under section 7(1), employers cannot fire a person because of his or her race or ancestry.

Employment/Sex

Case 83-090-93 ... Substantiated — Settled

After answering a newspaper advertisement for a motel chambermaid, a man was told by the woman responsible for hiring that the motel did not hire males for that particular job.

The man filed a complaint with the Commission, claiming he was discriminated against because of his sex.

Commission investigators contacted the motel and management confirmed that the hotel did not hire males as chambermaids. The Commission was told that, in the past, the motel had hired male chambermaids but that it "did not work out." Motel management explained that the job did not always last for eight hours and sometimes, during the winter months, could be for as little as four hours a day. The irregular hours led to complications for male workers, the motel management contended. As a result, the motel wanted to hire women only as chambermaids.

However, management added, the man who applied for the chambermaid's job should have been given the courtesy of an interview and the details of the job could have been outlined to him at that time.

Motel management asked the man to re-apply, fill in an application and the next time the motel was hiring, his application would be given serious consideration if the hours and salary involved were agreed upon.

The man was also offered \$50 as compensation for the inconvenience.

The IRPA forbids employers, under section 7(1), from discriminating against a person because of sex. The majority of sex discrimination complaints received by the Commission are from women. However, during the 1983-84 fiscal year, the number of sex discrimination complaints filed by men increased to 22 from the previous year's total of nine.

Employment/Sexual Harassment

Case 82-081-34 ... Substantiated — Settled

A young woman working part-time as a dishwasher in a restaurant was told by her supervisor to accompany him to the basement. When she did so, the supervisor started making physical advances towards the woman, telling her that if she did not submit she would be fired.

The woman escaped from the man and told two co-workers about the incident. One of her co-workers advised that if the woman was called to the basement again by the supervisor, the woman should let her co-workers know. A few hours after the original incident, the young woman was once more called to the basement where the supervisor again made physical advances. Her co-workers arrived at the scene and saw the woman and the supervisor yelling at each other. The co-workers told the supervisor to leave the young woman alone.

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The co-owner of the restaurant came down to investigate and was told that the supervisor had been harassing the young dishwasher. The manager said he did not want any trouble and told everyone to get back to work.

After the two incidents, the dishwasher was given more work than normal and was later fired.

The woman complained to the Commission that she was sexually harassed and then fired because she did not submit to the supervisor's advances.

The woman also contacted city police and laid a criminal charge of common assault against the supervisor.

Commission investigators contacted both owners of the restaurant and noted that although they were not personally involved in the harassment, as employers they were responsible for maintaining a harassment-free environment.

During the investigation, Commission investigators substantiated the sexual harassment complaint and worked with both parties to reach a settlement. The owners agreed to pay the woman \$300 for lost wages while she looked for another job. The woman did not want to return to work at the restaurant. In court, the supervisor was found guilty of common assault and fined \$300 or 15 days in jail.

Sexual harassment is considered to be sex discrimination under the provisions of the IRPA. Under section 7(1) of the IRPA, no employer or person acting on behalf of an employer can discriminate with regard to any term or condition of employment because of sex.

Employment/Physical Characteristics **Case 82-091-49... Unsubstantiated — Dismissed**

A registered nursing assistant, who moved from British Columbia to take a position with an Alberta nursing home, complained to the Commission that she was fired because of a previous back injury. She filed a complaint of discrimination based upon physical characteristics.

A Commission investigation showed that the nursing home was aware of the woman's previous back injury when they hired her but did not know how serious it was until a staff nurse interviewed the woman.

When nursing home officials realized the extent of the woman's injury, they cautioned her not to lift any patients alone and to get help from other staff if she had to move or lift any heavy objects. In the meantime, nursing home officials said they would investigate her suitability for the job. Nursing home officials told Commission investigators that the duties of a registered nursing assistant required lifting or turning patients (some of whom weighed more than 200 pounds), assisting patients in walking and going to the washroom, and helping patients get in and out of bed.

Other RNAs with no previous back problems had injured themselves carrying out these duties, nursing home officials noted. They said they were concerned about what could happen to an

RNA who already had a serious back injury.

The Commission investigation also indicated that the woman had taken the Alberta job because her duties at the B.C. nursing home entailed heavy lifting and moving and she thought the Alberta nursing home would offer lighter duties. However, the duties of registered nursing assistants at both homes were the same.

Commission investigators felt that the nursing home could not continue to employ the woman as a registered nursing assistant because job duties clearly involved heavy lifting and moving. Commission investigators agreed that the duties could not be handled by a person with a serious back injury. Under section 7(1) of the IRPA, an employer cannot discriminate against any person because of physical characteristics. However, "reasonable accommodation" is also considered, and if the physical characteristics of a person clearly make it impossible for that person to carry out defined job duties, the employer does not have to hire that person.

Services/Race, Colour, Place of Origin **Case 83-050-38... Substantiated — Settled**

A businessman complained to the Commission that he was discriminated against because of his race, colour and place of origin.

He told the Commission that an employee of a debt collection agency had made a number of racist remarks to him over the telephone, calling him a derogatory name and telling him to go back to his own country. The businessman contended that a white person would not have received the same treatment from the collection agency.

The company, however, said that the man who allegedly made the remarks was no longer employed by the agency and since there were no witnesses to the conversation, it was a case of one person's word against another's. The agency also felt that the complainant was using the Commission to alleviate some of the pressure the agency was exerting in collecting debts.

However, the company offered a letter of apology to the complainant on the assumption that the racist remarks were made. Since the employee was no longer with the company and since the apology was offered, the complainant decided to take no further action.

It is a contravention of section 3 of the IRPA to discriminate in any accommodation, service or facility customarily available to the public because of race, colour, or place of origin.

Services/Physical Characteristics **Case 83-050-41... Substantiated — Settled**

When a taxi driver refused to pick up a blind man with a guide dog, the blind man filed a complaint of discrimination based upon physical characteristics with the Commission.

Commission investigation revealed that when the man phoned for the taxi, he told the dispatcher that a guide dog would be accompanying him. The message was allegedly not passed on to the driver who was allergic to, and terrified of, dogs. The driver offered to call another taxi for the man and one arrived less than five minutes later.

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Although the blind man and his guide dog were eventually picked up by the other taxi, the blind man still filed a complaint against the original driver.

The taxi cab company involved said that all new drivers were told that they were obligated to pick up any passenger with a guide dog and the company re-issued a copy of the policy to all drivers.

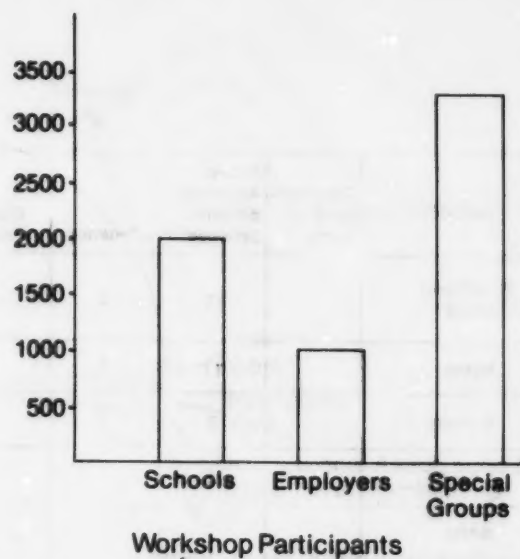
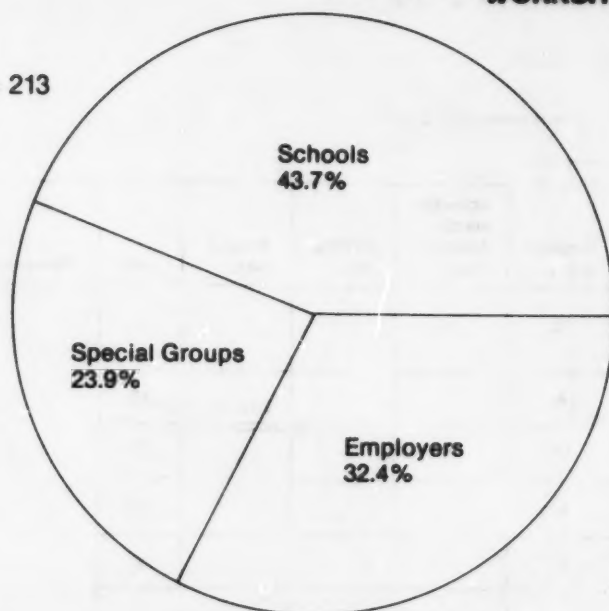
Under section 3 of the IRPA, it is a contravention to deny services or facilities customarily available to the public because of

discrimination based upon physical characteristics. Under the IRPA, "physical characteristics" means "any degree of physical disability, infirmity, malformation or illness, and, without limiting the generality of the foregoing, includes epilepsy, paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment and physical reliance on a guide dog, wheelchair or other remedial appliance or device."

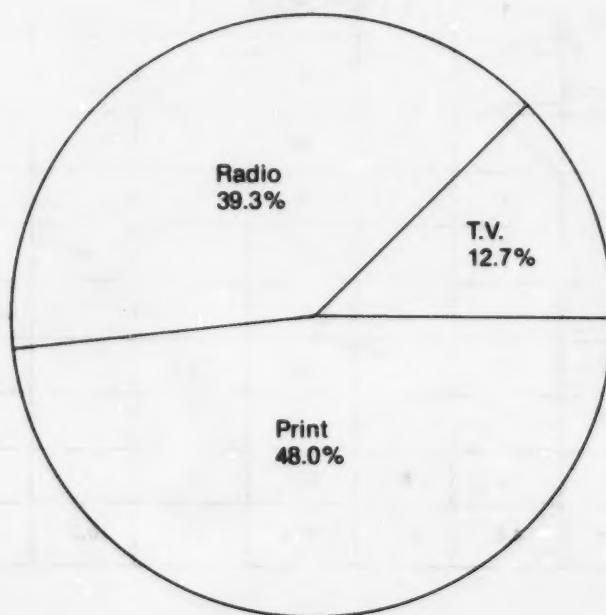
EDUCATIONAL ACTIVITY

WORKSHOPS

N = 213



MEDIA CONTACTS



N = 702

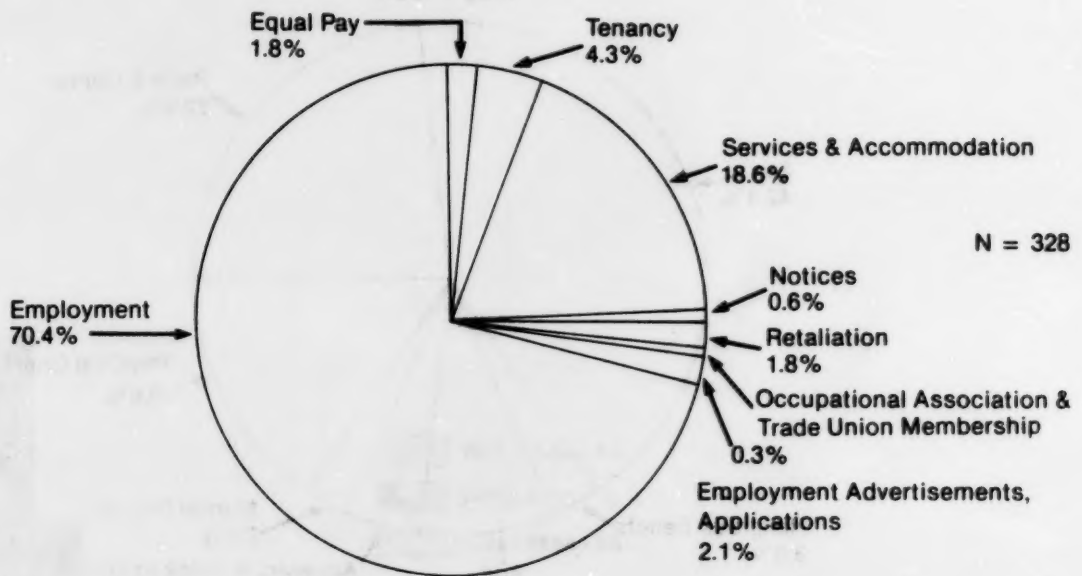
Statistics

COMPLAINTS FOR TOTAL PROVINCE April 1, 1983 March 31, 1984

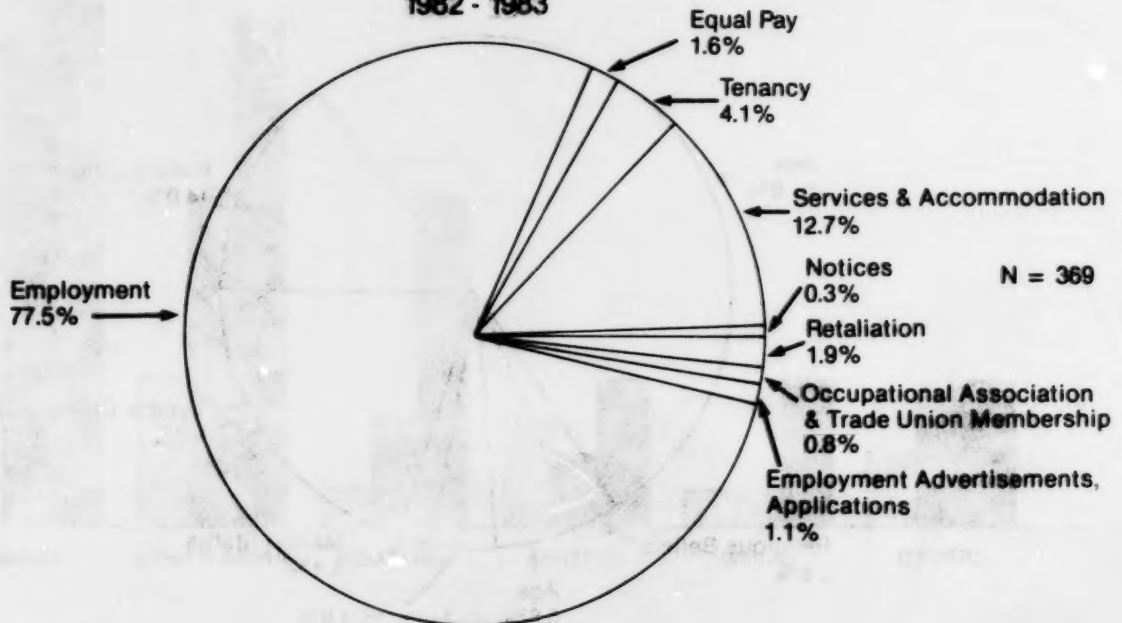
	Discriminatory Signs	Public Accommodation Services	Tenancy	Equal Pay	Employment	Advertisements Applications	Unions etc.	Retaliation	Total	Percentage
Race/Color Black		11	3		18	1			33	29.0
Native		11	3		4				18	
S. Asian		3	3		14	1			21	
Oriental		5			9				14	
White					4				4	
Others		1			4				5	
Sex Male			1	1	19	1			22	34.8
Female		6	1	5	79	1			92	
Other Relig. beliefs	1				7				8	2.4
Age					20				20	6.1
Ancestry	1	6	3		8				18	7.0
Pl. of Origin					3	1	1		5	
Marit. Stat.					6				6	1.8
Phy. Char.		18			36	2			56	17.1
Retaliation								6	6	1.8
Total	2	61	14	6	231	7	1	6	328	100.0
Percentage	0.6	18.6	4.3	1.8	70.4	2.1	0.3	1.8		100.0

COMPLAINTS BY PROHIBITED AREAS OF DISCRIMINATION

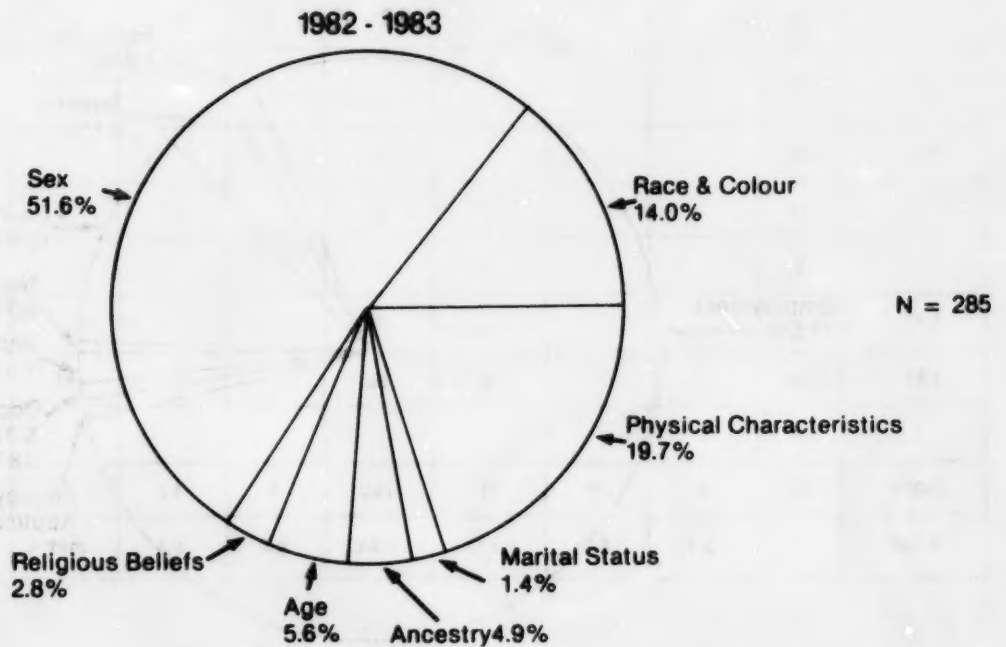
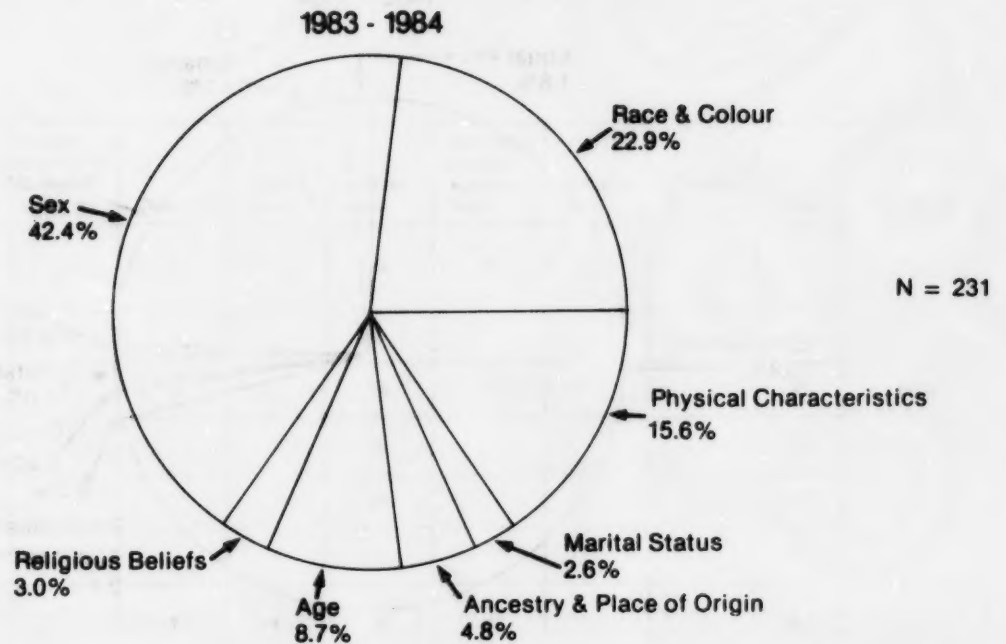
1983 - 1984



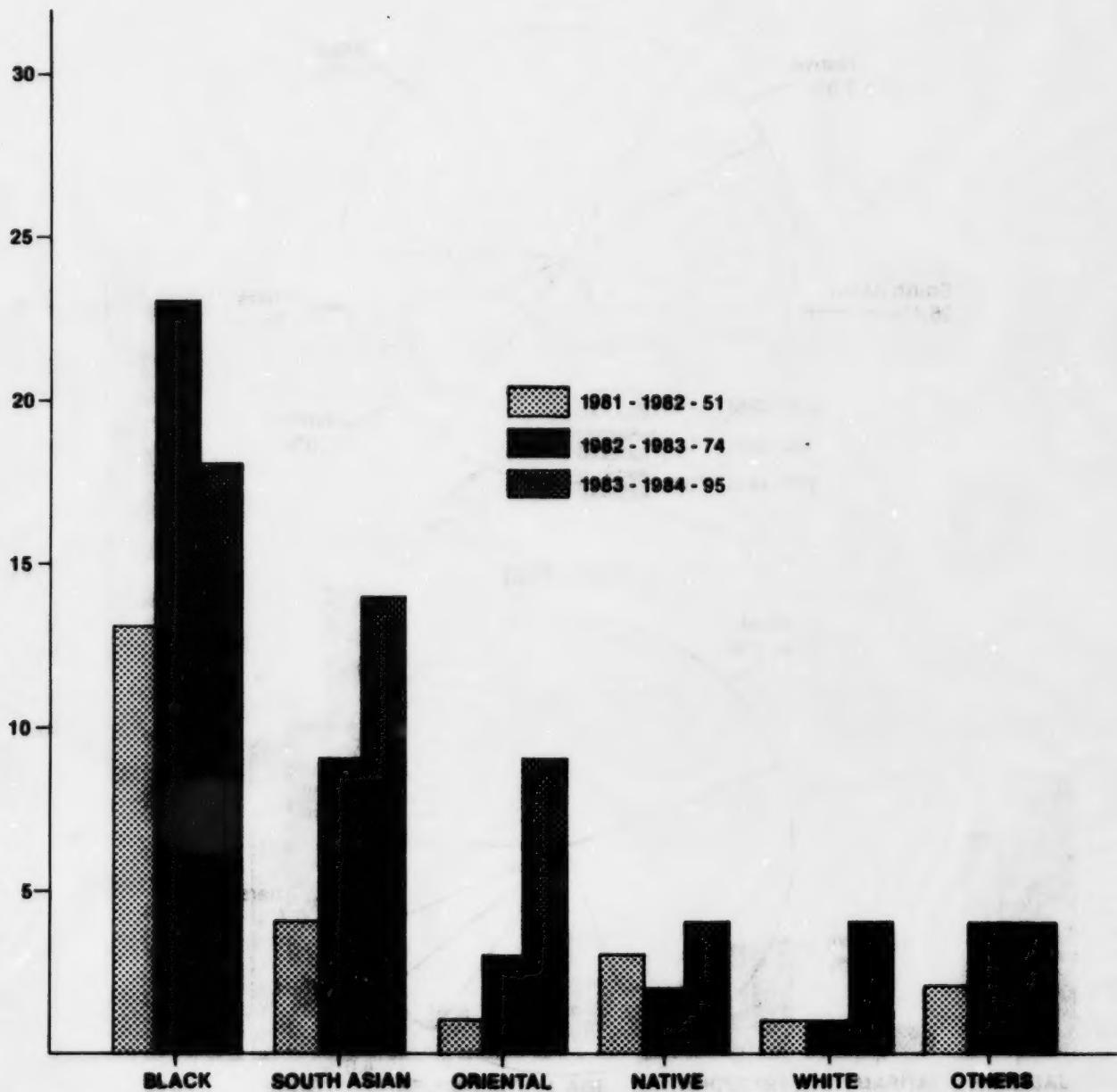
1982 - 1983



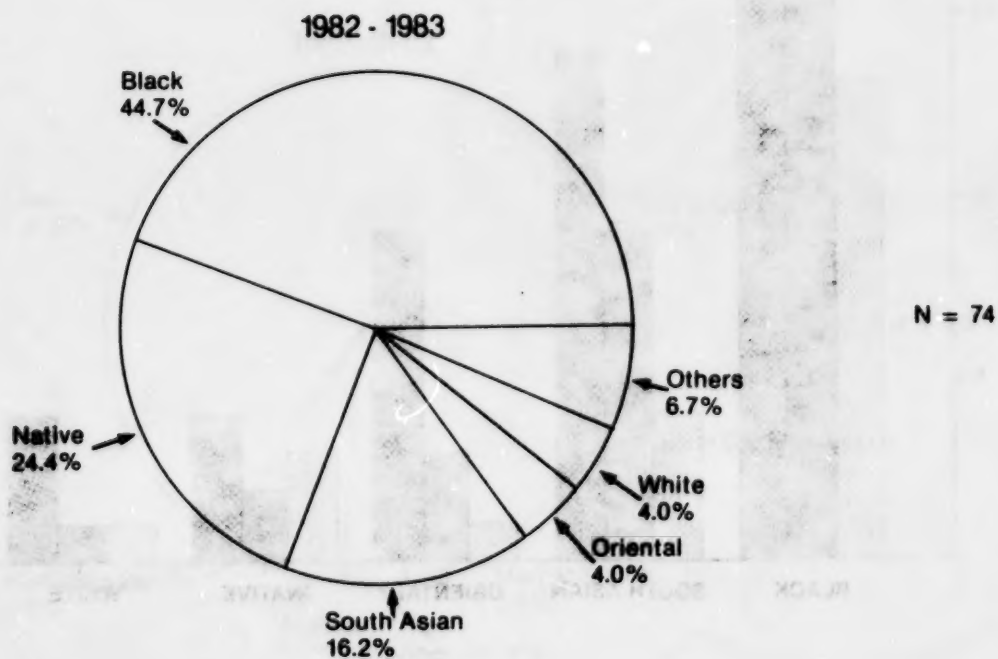
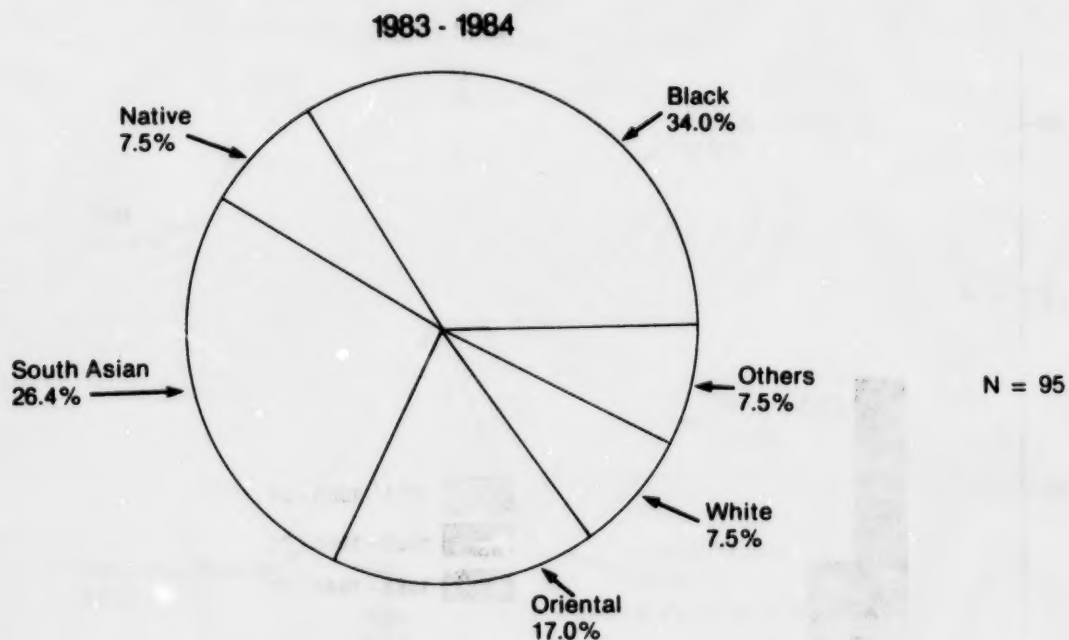
COMPLAINTS BY PROHIBITED GROUNDS OF DISCRIMINATION IN EMPLOYMENT



COMPLAINTS ON BASIS OF COLOUR / RACE



COMPLAINTS ON BASIS OF COLOUR / RACE



PERCENTAGE OF COMPLAINTS BY GROUNDS

